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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,331	02/24/2004	Masahide Ooue	UNIU76.004AUS	8762

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EXAMINER
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MCLEAN, NEIL R

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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05/27/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/785,331	<b>Applicant(s)</b> OOUE ET AL.	
	<b>Examiner</b> Neil R. McLean	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/6/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The replacement drawing was received on 1/29/2008. This drawing is acceptable.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/06/2007 was filed after the mailing date of the Non-Final Rejection on 10/29/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Re: US Patent 6,650,437

3. The information disclosure statement filed on 3/12/2008 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information

disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Re: Decision of Refusal, issued by the Japanese Patent Office for Japanese Patent Application No. 2003-052983 issued on February 5<sup>th</sup>, 2008, Japanese counterpart patent application.

Examiners Note:

The Decision of Refusal, issued by the Japanese Patent Office cites a 'Reference 1' and a 'Reference 2', however the associated Patent Number or Publication number is not contained therein. The Examiner cannot consider this document in its entirety because of the omission of the cited references.

***Response to Arguments***

4. Applicant's arguments, see Page 6, lines 19-25 filed 1/29/2008 with respect to the rejection(s) of claim(s) 1-7, in particular independent claim 1 have been fully considered and are not persuasive.

Regarding Applicant's Argument:

"Yamamoto does not disclose the second controlling section that performs controls over said image receiving section and said storing medium which are independent of the first controlling section as recited in the claim. ...In Yamamoto, both

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the image process circuit and the recording operation are controlled by the same control circuit. “

Examiner's Response:

Yamamoto discloses all of the above limitations but does not disclose expressly wherein the print preparing device; and the image storing device are independent of the first controlling section.

Suzuki discloses wherein the print preparing device; and the image storing device are independent of the first controlling section. (The illustrated image processing apparatus 10 includes the image data bus used to input and output image data and the control bus, which are provided **independently** of each other to enable a rapid processing as described in Column 6, lines 9-12)

Yamamoto and Suzuki are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of negative film scanning and processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use multiple control sections that are independent of each other as disclosed by Suzuki.

The suggestion/motivation for doing so would have been to enable rapid processing as disclosed by Suzuki in Column 6, line 12.

Therefore, it would have been obvious to combine the digital photocopier of Suzuki with the image reader of Yamamoto to obtain the invention as specified.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US 6,853,460) in view of Suzuki (US 6,347,162).

7. Regarding Claim 1:

Yamamoto discloses an image data processing system (FIG. 1 is a block diagram showing an image reading device which can record image data on a recording medium) comprising:

an image inputting section (A read object M (i.e. a sheet of recording material), handled by the **image reading device**, is a transparent negative film on which a color image has been recorded. The film M is intermittently moved, by a moving mechanism 10, in a direction shown by arrow A in Figure 1.) for inputting **image data** (The electric signal (i.e. the **image data**), read through the line sensor 30, is amplified by an amplifier 43 and is converted to a digital signal by an A/D converter 44 as shown in Figure 1 and described in Column 3, lines 11-13);

an image processing section that performs image processing on the input image data to create image data (The digital image data are subjected to an **image process**, such as a shading correction, in an **image processing circuit 45**, and are then stored in a memory 46 as shown in Figure 1 and described in Column 3, lines 13-16) [for printing];

a first controlling section that performs controls over said image inputting section and said image processing section (The moving mechanism 10, the light source drive circuit 41 and the line sensor drive circuit 42 are **controlled** in accordance with a command signal outputted by a **system control circuit 40** described in Column 3, lines 3-6);

an image transmitting section (The image data **transmitting processor** can transmit the image data externally to a peripheral device as described in Column 1, lines 49-51) capable of [simultaneously] transmitting said image data [for printing] to a [print preparation device] and to an image storing device (e.g., Recording Medium R in Figure 1);

[ the print preparing device; and  
the image storing device being independent of the first controlling section, said image storing device including; ]

an image receiving section (20) that receives said image data that are transmitted from said image transmitting section (8) (e.g., The receiving mechanism of Computer 50 in Figure 1);

a storing medium (22) for storing the received image data (e.g., Recording Medium R in Figure 1); and

a second controlling section (24) that performs controls over said image receiving section (20) and said storing medium (22) (e.g., The controller mechanism of Computer 50 in Figure 1).

Yamamoto discloses all of the above limitations but does not disclose expressly wherein the image transmitting section is capable of simultaneously transmitting said image data for printing to a print preparation device and to an image storing device.

Suzuki discloses wherein the image transmitting section is capable of simultaneously transmitting said image data for printing to a print preparation device and to an image storing device. (wherein said image processing apparatus is capable of outputting **simultaneously** the produced image data to **both a printer and a recording medium** as disclosed in Column 2, lines 49-55.)

Yamamoto and Suzuki are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of negative film scanning and processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to transmit image data simultaneously to a printer and to a recording device.

The suggestion/motivation for doing so is to provide users with both the finished print and to store the image at the same time, and in conventional digital photoprinters it is only one of finished prints and image data that can be output, and a system capable of outputting the image data to both a printer and a recording medium at the same time has not so far realized as disclosed by Suzuki in Column 2, lines 36-55.

Therefore, it would have been obvious to combine Suzuki's simultaneous transmission of image data to a printer and image storage device with the image reading device of Yamamoto to obtain the invention specified in Claim 1.

Yamamoto discloses all of the above limitations but does not disclose expressly wherein the print preparing device; and the image storing device being independent of the first controlling section.



Suzuki discloses wherein the print preparing device; and the image storing device are independent of the first controlling section. (The illustrated image processing apparatus 10 includes the image data bus used to input and output image data and the control bus, which are provided **independently** of each other to enable a rapid processing as described in Column 6, lines 9-12)

Yamamoto and Suzuki are combinable because they are from the same field of endeavor of image processing; e.g., both references disclose methods of negative film scanning and processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use multiple control sections that are independent of each other as disclosed by Suzuki.

The suggestion/motivation for doing so would have been to enable rapid processing as disclosed by Suzuki in Column 6, line 12.

Therefore, it would have been obvious to combine the digital photocopier of Suzuki with the image reader of Yamamoto to obtain the invention as specified in claim 1.

Regarding Claim 2:

Yamamoto further discloses the image data processing system of claim 1, characterized in that said system further includes an external recording section (23) for recording said received image data into an external recording medium (Recording Medium R in Figure 1), and that said external recording section (23) also is controlled by said second controlling section (24) (Column 3, lines 19-26; e.g., Computer 50 in

Figure 1).

Regarding Claim 3:

Yamamoto further discloses the image data processing system of claim 1, characterized in that said system further includes conversion processing sections (3a, 20b) that perform a conversion process on said received image data (e.g., A/D Converter 44 in Figure 1), and is constructed so that the image data subjected to the conversion process are stored into said storing medium (22) (Memory 46 in Figure 1) and/or said external recording medium (Column 3, lines 13-16; Recording Medium R in Figure 1).

Regarding Claim 4:

Yamamoto further discloses the image data processing system of claim 1, characterized in that said system further includes:

a first conversion processing section (3a) that performs a conversion process on the image data for printing that are constructed in said image processing section (3) (e.g., A/D Converter 44 in Figure 1; Column 3, lines 13-16);

a second conversion processing section (20a) that performs a conversion process on the image data for printing that are constructed in said image receiving section (20) (Column 3, lines 17-26); and

conversion process selecting means (7a) for selecting either one of said first conversion processing section (3a) and said second conversion processing section

(20a) (See Figures 6a and 6b; Column 5, lines 6-14).

Regarding Claim 5:

Yamamoto further discloses the image data processing system of claim 3, wherein said conversion process includes a process for enlarging or diminishing the size of the image data (Column 8, lines 11-19; See Figure 8a and 8b).

Regarding Claim 6:

Yamamoto further discloses the image data processing system of claim 1, characterized in that said system further includes process mode selecting means (7b) capable of selecting all of or any part of a mode for performing a process of preparing a picture print (See Mode Change Switch 49a in Figure 4), a mode for performing a process of storing the image data into a hard disk (22) (Column 5, lines 1-2), and a mode for performing a process of writing the image data into a CD-R (Column 8, lines 17-19).

Regarding Claim 7:

Yamamoto further discloses the image data processing system of claim 6, characterized in that said process mode selecting means (7b) is capable of selecting a mode for storing the image data into the image storing device (B) without performing a conversion process on the image data (e.g., Column 8, lines 1-10; See Figure 8b).

Regarding Claim 8: (New)

Suzuki further discloses the image data processing system of claim 1, wherein said image receiving section includes:

a buffer memory (the printer 16 is connected to the image data bus 46 through the **image buffer 80** which is connected to the image data bus 46 and **stores image data temporarily** as shown in Figure 1 and described in Column 6, lines 38-42) that stores said image data for printing, said image data being transmitted from said image transmitting section; and

conversion processing section that performs a conversion process on said image data that are stored in said buffer memory (Output image data supplied from the image buffer 80 to the printer 16 are transferred to the driver 50 of the printer 16, and subjected to D/A **conversion** as shown in Figure 2 and described in Column 7, lines 61-63.)

***Examiner Notes***

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brunner et al. (US 7,154,623) discloses wherein image information of several images is read from input media. Using the output device, the image information that has been transferred to this device is output onto recording material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/  
Examiner, Art Unit 2625  
5/21/2008

/David K Moore/  
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